

Memorandum

To: Directors of Schools
Supervisors/Directors of Special Education

From: Joseph Fisher, Assistant Commissioner

CC: Regional Resource Center Coordinators

RE: State Department of Education Interpretation of Special Education Class
Size Standards

Date: October 15, 2002

The State Board of Education passed a Special Education Class Size Standards Policy on April 26, 2002. Attached you will find the Department's interpretation of the standards which was prepared to assist LEAs in the implementation of the policy. These standards can also be found on the Division's website at www.state.tn.us/education/speced.

If you have questions concerning the State Board Policy and/or the Department's interpretation please contact me at 615/741-2851.

Tennessee Department of Education Interpretation of the State Board of Education Policy on Special Education Class Size

The State Board of Education enacted a policy on April 26, 2002 (attached), setting minimum standards effective during the 2002-2003 school year for special education class sizes.

The Board's intention in passing this policy was to establish a maximum class size for special education classes and to ensure that all local education agencies (LEAs) establish class size policies for special education classes based upon the instructional needs of the students. The Individuals with Disabilities Education Act (IDEA) requires that all students receiving special education and related services have an Individualized Education Program (IEP) and that each student's IEP be implemented by the local education agency. Any class size policy adopted by a LEA must ensure full compliance of the IDEA.

It is the Department of Education's position that to assure that the instructional needs of all students receiving services pursuant to IDEA are being met, LEAs should utilize the BEP formula as guidance for special education class size/caseloads by options of service (see attached) in determining a class size policy for special education classes. The BEP formula is included below.

The Department shall monitor each LEA to ensure they have adopted a special education class size policy and that every student with a disability is receiving services pursuant to IDEA.

**TENNESSEE
BASIC EDUCATION PROGRAM
BEP 2002-2003**

The Basic Education Program (BEP) includes components and the cost specifications for each component. The components include both operating and capital outlay costs.

The BEP components serve as the basis for calculating the level of funding for each school system. These components represent the level of support necessary for our schools to succeed. The components serve as the basis for calculating the level of BEP funding for each school system; the BEP does not prescribe specific levels of expenditures for individual components. Actual costs of the essential components are monitored and updated from year to year. Total costs are calculated by applying cost specifications to schools census data.

Equity adjustments (cost of operations adjustment and fiscal capacity adjustment) equalize responsibility among the local school systems based on variations in the cost of delivering services to students and in relative fiscal capacity.

**CLASSROOM COMPONENTS
(STATE SHARE = 75%)**

COMPONENT	FUNDING LEVEL			
REGULAR EDUCATION	1 per 20 ADM K-3 1 per 25 ADM 4-6 1 per 30 ADM 7-9 1 per 26.5 ADM 10-12			
VOCATIONAL EDUCATION	1 per 20 vocational education FTEADM			
SPECIAL EDUCATION (number of students identified and served = I & S)	(Caseload Allocations)			
	Option 1	91	Option 6	2
	Option 2	73	Option 7	10
	Option 3	46	Option 8	6
	Option 4	25	Option 9	0
	Option 5	15	Option 10	10
ELEMENTARY GUIDANCE	1 per 500 ADM K-6*			

SECONDARY GUIDANCE	1 per 350 ADM 7-12 (including voc ed)*
ELEMENTARY ART	1 per 525 ADM K-6
ELEMENTARY MUSIC	1 per 525 ADM K-6
ELEMENTARY PHYSICAL EDUCATION	1 per 350 ADM K-4 1 per 265 ADM 5-6
ELEMENTARY LIBRARIANS (K-8)	.5 per school < 265 1 per school 265-439 1 per school 440-659 (+.5 assistant) 1 per school > 660 (+1 assistant)
SECONDARY LIBRARIANS (9-12)	.5 per school < 300 1 per school 300-999 2 per school 1,000-1,499 2 per school > 1,500 (+1 per add'l 750)
SUBSTITUTE TEACHERS	\$39.00 per total ADM
INSTRUCTIONAL ASSISTANTS	1 per 75 ADM K-6
ELL INSTRUCTORS	1 per 50 ELL students I&S
ELL TRANSLATORS	1 per 500 ELL students I&S

**CLASSROOM COMPONENTS
(STATE SHARE = 75%)**

COMPONENT		FUNDING LEVEL
SPECIAL EDUCATION ASSISTANTS		1 per 60 special education I & S in Options 5,7,8
PRINCIPALS		.5 per school < 225** 1 per school > 225
ASSISTANT ELEMENTARY	PRINCIPALS	.5 per school 660-879 1 per school 880-1,099 1.5 per school 1,100-1,319 2 per school > 1,320
ASSISTANT SECONDARY	PRINCIPALS	.5 per school 300-649 1 per school 650-999 1.5 per school 1,000-1,249 2 per school > 1,250 (+ 1 per add'l 250)
SYSTEM-WIDE INSTRUCTIONAL SUPERVISORS		1 per < 500 total ADM 2 per 500-999 total ADM 3 per 1,000-1,999 total ADM 3 per > 2,000 total ADM (+ 1 per add'l 1,000)
SPECIAL EDUCATION SUPERVISORS		1 per 750 special education I & S
VOCATIONAL EDUCATION SUPERVISORS		1 per 1,000 vocational education FTEADM
SPECIAL EDUCATION ASSESSMENT PERSONNEL		1 per 600 special education I & S
SOCIAL WORKERS		1 per 2,000 total ADM*
PSYCHOLOGISTS		1 per 2,500 total ADM*

NURSES	1 per 3,000 total ADM (min. + 1 per system)
ALTERNATIVE SCHOOLS	\$ 2.62 per total ADM K-12 plus \$22.01 per ADM 7-12 (including voc ed)

CLASSROOM COMPONENTS
(STATE SHARE = 75%)

COMPONENT	FUNDING LEVEL
K-3 AT-RISK CLASS SIZE REDUCTION	Systems are allocated additional teachers to reduce pupil-teacher ratio to 15:1 for 1/3 of students on free and reduced lunch
DUTY-FREE LUNCH	\$8.02 per total ADM
SPECIAL EARLY INTERVENTION EDUCATION	Early intervention services for 3-year-old children with disabilities. Now allocated through count of special education I & S
STAFF AND INSURANCE BENEFITS	\$2,671.97 per BEP position for insurance; plus 7.65% of BEP salary for FICA. Add 3.40% of BEP salary per licensed position OR 5.65% of BEP salary per classified position for TCRS
TEXTBOOKS	\$64.00 per total ADM
CLASSROOM MATERIALS & SUPPLIES (includes fee waiver)	\$58.00 per regular ADM \$129.00 per vocational education FTEADM \$29.00 per special education I & S \$26.00 per Academic exit exam (12 th grade) \$11.00 per Technical exit exam (1/4 voc ed)
INSTRUCTIONAL EQUIPMENT	\$63.00 per regular ADM \$95.00 per vocational education FTEADM \$13.00 per special education I & S
CLASSROOM TRAVEL RELATED	\$ 3.00 per regular ADM \$19.00 per vocational education FTEADM \$ 10.00 per special education I & S
VOCATIONAL TRANSPORTATION CENTER	For participating systems to transport students to vocational center attended part of the day
TECHNOLOGY	\$22.18 per total ADM \$20 M distributed on ADM basis

NON-CLASSROOM COMPONENTS
(STATE SHARE = 50%)

COMPONENT	FUNDING LEVEL
SUPERINTENDENT	1 per county***
SYSTEM SECRETARIAL SUPPORT	1 per system < 500 2 per system 500-1,250 3 per system 1,251-1,999
TECHNOLOGY COORDINATORS	1 per system with one additional for each 6,400 ADM
SCHOOL SECRETARIES	.5 per school < 225 1 per school 225-374 1 per 375 per school > 375
MAINTENANCE &	100 square feet per total K-4 ADM 110 square feet per total 5-8 ADM

OPERATIONS	130 square feet per total 9-12 ADM Total sq. ft x \$2.45/sq. ft**** 1 custodian per 21,696 calculated sq. ft
NON-INSTRUCTIONAL EQUIPMENT	\$17.00 per total ADM
PUPIL TRANSPORTATION	Allocated to systems that provide transportation. Formula established by Commissioner of Education. Based on number of pupils transported, miles transported, and density of pupils per route mile
STAFF BENEFITS AND INSURANCE	\$2,671.97 per BEP position for insurance; plus 7.65% of BEP salary for FICA. Add 3.40% of BEP salary per Superintendent and technology coordinator OR 5.65% of BEP salary per classified position for TCRS
CAPITAL OUTLAY	100 sq. ft per total K-4 ADM x \$73/sq. ft 110 sq. ft per total 5-8 ADM x \$81/sq. ft 130 sq. ft per total 9-12 ADM x \$77/sq. ft Add equipment (10% of sq. ft cost) Add architect's fee (5% of sq. ft cost) Add debt service (20 yr. @ 6.00%) Divide total by 40 yr. = annual amount

SALARIES USED IN BEP CALCULATIONS

Teachers and Other Licensed Personnel

The BEP allocation for salaries for each school system is based on:

The number of each type of position generated by the cost components

The current average salary for licensed personnel in that school system, based on the state salary schedule (including Training and Experience factor).

Average annual superintendent salary = \$83,800 per county

Other Personnel

Average annual library/instructional assistant salary = \$14,700

Average annual custodian salary = \$15,800

Average annual school secretary salary = \$22,300

Average annual system secretary salary = \$26,700

FOOTNOTES

*If a system within a county having more than one system does not have enough pupils to qualify for a position, the relevant county totals are used and each system receives a pro rata share based on its proportion of total relevant enrollment. If county totals are not sufficient to generate a position, the county is allocated one position and each system is allocated a pro rata share of the position based on its proportion of the relevant enrollment.

**Elementary schools < 100 are not allocated a principal.

***One superintendent is allocated for each county. If there is more than one school system in a county, each system receives a pro rata share based on its proportion of total county ADM.

****For purposes of calculating benefits and insurance: for maintenance add 60% of sq. ft. cost to salary allocation; for pupil transportation add 45% of amount to salary allocation. Apply calculated rate (ins, FICA, TCRS) for classified personnel as specified to 50% or 45% of allocation, respectively.

**Tennessee State Board of Education
April 26, 2002**

**Agenda
Action Item IV.C.**

Special Education Caseload and Class Size Standards

TCA 49-1-104 requires the State Board of Education to develop staffing standards to provide for the learning needs of all students including the needs of students eligible for special education.

This policy is designed to set minimum standards as a first step towards improving staffing practices based on the learning needs of the student and the instructional capacity of the teacher. These caseload and class size limits will allow school systems to be innovative in the way they provide for the learning needs of all students. School systems shall develop policies to ensure each teacher's ability to succeed in addressing the educational needs of all students as they continue to advance in the general curriculum.

Implementation of standard one is subject to additional appropriations from the general assembly that addresses the fiscal impact on local school systems.

1. The assignment of any student eligible for special education shall ensure a free appropriate public education and shall be based on the individual educational program (IEP) of each child as required by the Individuals with Disabilities Education Act (IDEA) and all state statutes, rules and regulations enacted or promulgated pursuant to such act. Beginning in the school year following the appropriation from the general assembly, each school system shall develop and implement staffing procedures to ensure that no instructional personnel having the primary responsibility for the development, implementation and updating of a student's individualized educational plan (IEP) shall have a caseload that exceeds caseloads specified in the Basic Education Program (BEP) for special education; a school system may increase a teacher's caseload in options 5, 7, and 8 by providing trained paraprofessional support consistent with Department of Education guidelines.

The following standards shall take effect in the 2002-2003 school year.

2. School systems shall establish class size based upon the instructional needs of the students. Special education class size shall not exceed the limits specified for average class size pursuant to TCA §49-1-104(a). In addition to certified instructional personnel, systems may provide trained paraprofessional support consistent with Department of Education guidelines to meet the average class size specifications. Class size limits may be exceeded in such areas as keyboarding, instrumental music, and vocal music, provided that the effectiveness of the instructional program in these areas is not impaired and the individual needs of the child are met. The class size limits are the following:

Grade Level	Class Size
K-3	20
4-6	25
7-12	30
Vocational Education	20

The Commissioner of Education may grant waivers to the special education caseloads and special education class size including allowing the use of additional trained paraprofessionals.

3. The school system shall submit in writing to the Commissioner of Education a request for a waiver. Requests shall be submitted as an amendment to the school system's comprehensive plan for special education, the school's improvement plan and as an addendum to the system's Title I plan. Documentation shall include:
 - a. A copy of the school system's instructional staffing procedures,
 - b. The circumstances necessitating the waiver,
 - c. A schedule for self monitoring of student IEPs to ensure educational benefit, and
 - d. Assurances that the needs of children eligible for special education and the mandates of the IDEA and all state statutes, rules and regulations enacted or promulgated pursuant to such act are met.

The commissioner shall provide an annual report to the State Board of Education including the number of waivers requested and the number of waivers granted by school system, with the circumstances necessitating each waiver.

4. By September 2003, all school systems shall develop and implement policies for the equitable and educationally sound placement of students including students with disabilities and students eligible for special education services in all classrooms. Policies shall describe how the system ensures that provisions for a free appropriate public education in state and federal laws are being met. These policies shall be included as part of the school system's comprehensive plan for special education, each school's improvement plan and as a part of the system's Title I plan.
5. The State Department of Education shall review each system's policies, Title I plan and school improvement plans to ensure that a continuum of services is being provided consistent with rule 0520-1-9 Special Education Programs and Services and with federal law. Further, policies shall describe how the system ensures the provisions of a free appropriate public education in each eligible child's IEP are being met.
6. The Department of Education will monitor the implementation of this policy, collect data and study the use of service delivery models that encourage inclusion, improve intervention services, and provide extended programming to help all students progress in the general curriculum. It is important to provide funding and resources to support the research regarding innovative programs and document the results in student achievement.